IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.863 OF 2007

Dadaso Vasant Thorat ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.Rahul S.Kate Advocate for Applicant
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 26, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.107 of 2006 of Karad Taluka Police Station. The said case is under Sections 302 and 498-A of IPC.

3. It is the case of the prosecution that the deceased Swati was strangulated in her matrimonial house and thereafter her body was set on fire in order to cause disappearance of the evidence. The cause of death was asphyxia due to strangulation.

4. The learned counsel for the applicant submitted that the investigation in the present case is over and the applicant has been in custody since June, 2006. He further submitted that the co-accused have been released on bail and the case of the applicant is better than the two accused who have been released on bail.

5. The learned counsel for the applicant further submitted that at the relevant time the applicant nos.2 and 3 were in the matrimonial house and applicant no.1 was not in the matrimonial house at that time. Hence, he submitted that as far as offence under Section 302 of IPC is concerned, it cannot be said that applicant was not in any way involved in the murder.

6. The learned A.P.P. on instructions, confirms that the applicant was not present in the house at the relevant time. After perusing the record he stated that there is no witness who states that at the relevant time, the applicant was in the house. It is not the case of the prosecution that the applicant is likely to abscond. Looking to these facts, I am inclined to grant bail.

7. The applicant to be released on bail in the sum of Rs.30,000/- (Rs.Thirty thousand only) with one or two sureties to make up the said amount in connection with C.R.No.107 of 2006 of Karad Taluka Police Station. The applicant shall not enter into the jurisdiction of Karad Taluka till the conclusion of the trial. Before being released on bail, the I.O. shall be informed the address where the applicant is going to reside while on bail.

8. Application is disposed of.

[V.K.Tahilramani, J.]